

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: WESTERN IOWA TELEPHONE ASSOCIATION	DOCKET NOS. TCU-04-15 WRU-04-45-516
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**ORDER APPROVING AMENDMENT TO CERTIFICATE,
CONCURRENCE IN MAPS, AND GRANTING WAIVER**

(Issued November 12, 2004)

On September 27, 2004, Western Iowa Telephone Association (WITA) filed an application with the Utilities Board (Board) requesting an amendment to its certificate of public convenience and necessity to allow it to provide competitive local exchange service in the Anthon, Correctionville, Kingsley, Pierson, Sioux City, and Washta, Iowa, exchanges. WITA proposes to provide service in these exchanges by building its own facilities. Where its facilities are not yet available, WITA will provide service through the resale of local exchange service and unbundled network elements (UNEs) obtained from the incumbent carriers. WITA states that it will adopt the exchange boundary maps currently on file with the Board for each of the six listed exchanges. WITA also states that it intends to participate in number pooling and will obtain numbering resources via donated 1,000 blocks rather than through the assignment of a new block of 10,000 numbers (often referred to as an NXX).

On November 3, 2004, WITA supplemented its initial request stating that WITA would comply with Board rule 199 IAC 22.14(2), which governs intrastate

access charges as they pertain to competitive local exchange carriers. No objections to WITA's supplemented petition have been filed.

The Board has considered WITA's application and based on WITA's statement that it will participate in number pooling and will adhere to the requirements of 199 IAC 22.14(2), the Board will grant WITA's application to amend its certificate to include the Anthon, Correctionville, Kingsley, Pierson, Sioux City, and Washta, Iowa, exchanges. The Board notes that WITA has not filed tariffs reflecting the prices, terms, and conditions of service in these exchanges. Therefore, while WITA's certificate will be amended to reflect the addition of these exchanges, WITA will be required to file the appropriate tariffs with the Board for approval prior to initiating service in these exchanges.

WITA also requests the Board waive the requirements of 199 IAC 16.5(2) and 22.3(1). The waiver request has been identified as Docket No. WRU-04-45-516.

WITA requests a waiver of 199 IAC 16.5(2), which requires the keeping of records according to the uniform system of accounts. WITA states it will maintain its books in accordance with generally accepted accounting principles (GAAP). The Board finds this waiver should be granted, since records kept in accordance with GAAP accounting are acceptable for a competitive local exchange service provider.

WITA also requested a waiver of 199 IAC 22.3(1), requiring it to independently publish a directory. The Board will grant this waiver based upon WITA's statement that it will arrange for its customers to be included in the directories currently being published in the areas it provides local exchange service.

Rule 199 IAC 1.3 states that the Board may grant waivers if it finds, based upon clear and convincing evidence, that the application of the rule would pose an undue hardship, the waiver would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board has considered the waiver requests as described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing.

Adherence to these rules would be an undue hardship on a competitive telecommunications company just beginning to do business in Iowa. It would be an undue hardship on WITA because other competitive carriers have been granted similar waiver requests. The Board finds there are no substantial legal rights of any person that are affected by these waivers and there is no statute that specifically mandates the actions waived. Additionally, the Board finds that there will be substantially equal protection for the public health, safety, and welfare provided since the actions waived will be completed under different circumstances.

IT IS THEREFORE ORDERED:

1. The request of Western Iowa Telephone Association to amend its certificate of public convenience and necessity to reflect the addition of the Anthon, Correctionville, Kingsley, Pierson, Sioux City, and Washta, Iowa, exchanges is approved upon the filing of tariffs reflecting the prices, terms, and conditions of service in these exchanges.

2. An amendment to Certificate No. 0138 is being issued concurrently with this order. Under the amended certificate, Western Iowa Telephone Association will be allowed to provide service in the exchanges as shown by its tariffs as currently and subsequently approved.

3. The concurrence by Western Iowa Telephone Association in the maps and boundaries of the incumbent local exchange carriers in the Anthon, Correctionville, Kingsley, Pierson, Sioux City, and Washta, Iowa, exchanges is approved.

4. The waiver of 199 IAC 16.5(2) and 22.3(1), identified as Docket No. WRU-04-45-516, is granted as described in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 12th day of November, 2004.